

Pillsbury
Winthrop
Shaw
Pittman LLP



725 South Figueroa Street
Suite 2800
Los Angeles, CA 90017-5406

Tel 213.488.7100
Fax 213.628.1033
www.pillsburylaw.com

March 26, 2008

Julia A. Miller
Phone: 213.488.7324
julia.miller@pillsburylaw.com

Via Email and U.S. Mail

Thomas Turner, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 5
Office of Regional Counsel (C-14J)
77 W. Jackson Boulevard
Chicago, Illinois 60604-3590

Re: RRG/Clayton Chemical Co. Superfund Site –
Silgan Containers Corporation Documents

Dear Mr. Turner:

I write to follow up on the requests which Chris McNevin and I have made for any documentation that EPA may possess which establishes that Silgan Containers Corporation is a generator of waste sent to the RRG/Clayton Chemical Site. I appreciate your assistance in providing to us the CD of documents for the site. We have reviewed that material and it contains no manifests or other documentation of any basis on which to hold Silgan Containers Corporation liable as a PRP for the RRG site.

After emailing you to ask where I could find manifests documenting the Silgan activity alleged in the Unilateral Administrative Order, you informed me that many of the "USEPA actions were based on IL EPA RCRA generator records for 1995-1998" and directed me to document # 180688 on the CD. However, I have thoroughly reviewed this document, and it does not contain manifests or any other factual documentation pertaining to Silgan.

You also directed me to Margaret Coughlin of Dickenson Wright PLLP, who is counsel for the RRG/Clayton Hazardous Liquids Group. You informed me that the Liquids Group reviewed the Illinois EPA RCRA generator manifest records from 1981 to 1998 to create a total waste accumulation list, which EPA used to create the list of parties receiving General Notice letters in 2004. Although Ms. Coughlin is out of the country until next week, I have now spoken with her associates on the matter, and they have reviewed their files.

Thomas Turner, Esq.
March 26, 2008
Page 2

Sharon Newlon; of the Dickenson Wright firm; emailed me, and copied you on her email. She informed us that Silgan was identified as a generator because Silgan is listed as doing business at the former address of American National Can, an entity for which manifests are available linking it to the RRG site. Ms. Newlon indicated that her firm has no additional information linking Silgan to the RRG site.

In advance of our April 8 conference, we will send you documentation to establish that Silgan did not assume or acquire any potential environmental liabilities of American National Can relating to the RRG Clayton Site. This is corroborated by the fact that Rexam, the successor to American National Can, has joined the Soils Group.

Based on the foregoing it appears that there is no basis in the record to identify Silgan as a generator in the UAO for the RRG site. If EPA is aware of any information demonstrating that Silgan is a generator at the RRG site, please let us know at your earliest convenience.

Absent further information from EPA, we would like to attend the April 8 conference by telephone rather than in person. Please confirm the time for the conference as 10:00 a.m. CDT.

Sincerely,



Julia A. Miller

cc: ✓ Ms. Janet Pfundheller
Daniel M. Carson, Esq.
Mr. Dennis Cornish
Christopher J. McNevin, Esq.